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UNCLAS SECTION 01 OF 08 TASHKENT 000059

SENSITIVE

SIPDIS

DOL/ILAB FOR LEYLA STROTKAMP, RACHEL RIGBY AND TINA MCCARTER

DRL/ILCSR FOR SARAH MORGAN

G/TIP FOR LUIS CDEBACA

E.O. 12958: N/A

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SUBJECT: Uzbekistan: Response to DOL Request for Information on Child Labor and Forced Labor

REF: 09 STATE 131997; 2009 TASHKENT 73

¶1. (U) Per Ref A request, post provides the following update on child labor and forced labor in Uzbekistan.

TASKING 1/TVPRA

¶2. (U) Per instructions that post should only report on the use of child labor and forced labor during the production of goods not already on the current TVPRA list, post will not address the use of such labor in the cotton industry under Tasking 1/TVPRA.

¶3. (U) Post reached out to a range of nongovernmental organizations and human rights activists, and our contacts reported no instances of allegations of child labor or forced labor in the production of goods other than cotton in Uzbekistan.

¶4. (U) There has been some discussion in the past of children raising silk worms as a form of child labor. It is not uncommon for children to be assigned such projects, however, it tends to be akin to a school project, involving a child receiving a silk worm and a mulberry branch from school and keeping them in a dark, dry place until they are ready to be turned back in to the school. Post does not believe such practice should be considered exploitive child labor.

TASKING 2/TDA

2A. Prevalence and Sectoral Distribution of Exploitive Child Labor

¶5. (U) Outside of the cotton sector, post has received no

reports that suggest that children are engaged in work meeting the definition of exploitative child labor. Children are frequently seen doing light work in the markets, usually to assist family members in selling various goods. Children often assist in family businesses, as well. Neither of these activities rises to the level of exploitative child labor.

¶6. (U) Post has received widespread reports of children picking cotton during the fall cotton harvest, which can be considered both hazardous child labor (as acknowledged in Uzbek regulations) and forced child labor (because children are sent from school to work in the fields). Post has received more limited reports of children planting cotton during the spring cotton planting season, which would also be considered forced labor when children are taken from schools, but not enough information about the practice is known to determine whether it qualifies as hazardous child labor.

2B. Laws and Regulations

¶7. (U) On June 26, the Ministry of Labor released a list of
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activities involving unfavorable work conditions, in which children under the age of 18 cannot be involved. Cotton picking was included on that list. Despite widespread observations of forced child labor in the cotton harvest, however, no violations of this regulation were reported.

¶8. (U) On December 21, President Karimov signed a package of amendments to the administrative code strengthening the penalties for using child labor. Existing administrative law stated that public officials could be fined two to five times the minimum wage (50-124 USD) for violations of labor legislation, but the new amendments increase the penalty to five to ten times the minimum wage (124-377 USD) if the victim of such violations is a minor. The amendments also address the actions of ordinary citizens (as opposed to public officials), imposing a fine of one to three times the minimum wage (24-66 USD) on any individual using child labor.

¶9. (U) On December 24, Karimov signed changes and amendments to the labor code and to the law on "the guarantees of the rights of the child." The existing law set the minimum age for employment at 16, but allowed 15 year olds to work with the written permission of a parent and allowed 14 year olds to be involved in "light work" that did not interfere with education and did not hinder the health or development of the child. The new law still sets the minimum age at 16 and allows 15 year olds to do light work with the permission of a parent, but it does away with the provision allowing 14 year olds to do light work.

¶10. (U) These amendments were designed to address Uzbekistan's obligations under ILO Convention 138, On Minimum Age of Employment, and 182, On Prohibition and Immediate Action on the Elimination of the Worst Forms of Child Labor, both of which were ratified in March 2008. The measures make it clear that public officials (including local hokims and even school administrators) and private individuals (including farmers and even parents), can be fined for using children in the cotton harvest. While the fines may seem minimal, particularly those contemplated for ordinary citizens (24-66 USD), relative to average monthly wages of 200 USD or even less in rural areas, such fines could be significant.

¶11. (U) The legal and regulatory framework in 2009 seemed to be adequate to address child labor in the formal sector, as there are no reports of exploitative child labor in any industry other than cotton. The framework was not effective in addressing exploitative child labor in the cotton sector, however, as there were widespread reports of children being used in the cotton harvest in nearly every region of the country. While it remains to be seen how vigorously the new measures will be enforced during the 2010 cotton harvest, the measures themselves represent significant improvements to legal and regulatory framework.

2C. Institutions and Mechanisms for Enforcement - hazardous child labor and forced child labor.

2C, Section I: Hazardous child labor

¶12. (U) The Prosecutor General's Office and the Ministry of Labor and Social Protection (MOL) are responsible for enforcement of laws relating to hazardous child labor.

¶13. (U) MOL inspectors visit various business enterprises

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throughout the year to ensure compliance with labor laws and regulations. If they observe a violation of labor regulations, they generally give an employer a chance to rectify the problem. For a violation of law, they refer the case to the local prosecutor's office. It's not clear that this procedure has ever been used with regard to hazardous child labor, however, because child labor is not considered a problem in the formal sector. Labor inspectors are not known to inspect the agricultural sector.

¶14. (U) Complaints regarding child labor theoretically can be lodged at a local prosecutor's office, although there have been no reports that this is done in practice. While the MOL informed UNICEF representatives last summer that it was setting up hotlines to receive reports of child labor, there has been no evidence that such hotlines are, in fact, in place. (Note: Hotlines are in place to report trafficking in persons, and are widely used.)

¶15. (U) The GOU does not set aside specific funding for inspections specifically related to child labor, and the MOL's budget for general labor inspections is not public information. MOL inspectors, while theoretically able to report violations of child labor laws, have not served such a function in the past. (Note: Unemployment in Uzbekistan is high, and jobs are hard to come by even for adult workers in the formal sector. Thus, there is generally no demand for child labor.) As mentioned, MOL does not inspect the agricultural sector, where most violations of child labor laws are occurring. For labor inspectors to cover local farms would likely require significantly more funding.

¶16. (U) According to 2005 figures, the MOL employed 850 labor inspectors across the country. No figures have been published since that time. It is not known whether the number was sufficient to adequately monitor the formal sector.

¶17. (U) There were no reports of inspections involving hazardous child labor in 2009. Thus, post has no figures regarding the number of children being removed/assisted as a result of labor

inspections, the number of cases being opened or closed, the number of convictions, the average length of time it takes to resolve a case, or the penalties applied in such cases. The fact that there were no reported cases in the formal sector could just mean that hazardous child labor is not a problem there. But the fact that we know hazardous child labor is taking place in the cotton fields and there are no reported cases suggests that there is a lack of commitment to combat exploitative child labor in the informal sector.

¶18. (U) With support from UNICEF, the MOL trained about 200 labor inspectors in August 2009, and child labor was one of the subjects discussed (though not in the context of the cotton harvest). Since the labor inspectors do not actually monitor the fields, it is doubtful that the training had an impact on child labor in the agricultural sector.

2C, Section II: Forced Child Labor

¶19. (U) This section generally repeats that above. The Prosecutor General's Office and the Ministry of Labor and Social Protection (MOL) are responsible for enforcement of laws relating to forced child labor.

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¶20. (U) As above, theoretically an MOL inspector can report an incident of forced child labor to the prosecutor's office for investigation and prosecution, but in practice, this does not occur.

¶21. (U) As above, complaints regarding child labor theoretically can be lodged at a local prosecutor's office, although there have been no reports that this is done in practice. Although the MOL informed UNICEF representatives last summer that it was setting up hotlines to receive reports of child labor, there has been no evidence that such hotlines are, in fact, in place.

¶22. (U) As noted, the GOU does not set aside specific funding for the inspections specifically related to child labor, and the MOL's budget for general labor inspections is not public information. MOL inspectors, while theoretically able to report violations of child labor laws, have not served such a function in the past.

¶23. (U) According to 2005 figures, the MOL employed 850 labor inspectors across the country. No figures have been published since that time. Inspectors did not inspect farms.

¶24. (U) There were no reports of inspections involving forced child labor in 2009. Thus, post has no figures regarding the number of children being removed/assisted as a result of labor inspections, the number of cases being opened or closed, the number of convictions, the average length of time it takes to resolve a case, or the penalties applied in such cases. The fact that there were no reported cases in the formal sector could just mean that forced child labor is not a problem there. But the fact that we know forced child labor is taking place in the cotton fields and there are no reported cases suggests that there is a lack of commitment to combat exploitative child labor in the informal sector.

¶25. (U) As mentioned, the MOL conducted UNICEF-supported training sessions for about 200 labor inspectors in August 2009, and child labor was discussed, though not in the context of the cotton industry. It is doubtful whether the training had an impact on child labor in the agricultural sector.

2D. Institutional Mechanisms for Effective Enforcement - Child Trafficking

2D, Section I: Child Trafficking

¶26. (U) Government offices with responsibility for fighting human trafficking include the Ministry of Interior Affairs' Office for Combating Trafficking; the National Security Service's Office for Fighting Organized Crime, Terrorism, and Drugs; the Office of the Prosecutor General; the Ministry of Labor and Social Protection; the Consular Department of the Ministry of Foreign Affairs, and the Women's Committee. A government interagency Commission on Combating Trafficking in Persons meets quarterly and consists of representatives from the government entities listed above. The government does not address child trafficking issues as a subset of more general trafficking. Thus, there are no figures for the number of investigators/social workers, or dedicated police

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officers specifically employed to fight child trafficking. The government does aggressively enforce trafficking-in-person laws, however. It is unknown whether the current number of investigators, social workers, or dedicated police officers employed to fight child trafficking is sufficient to adequately investigate trafficking allegations.

¶27. (U) The government does not keep track of funding related to child trafficking as distinct from human trafficking. The government does not give statistics on funding provided to agencies responsible for investigating laws related to child trafficking. Post has not received reports regarding whether investigators had adequate resources to carry out investigations. However, reports of law enforcement breaking up trafficking rings and arresting human traffickers are in the press on a weekly, if not daily basis. The cases being reported in the press demonstrate that much attention is being paid to this issue, and that authorities are aggressively pursuing violators of trafficking laws, regardless of the age of the victims.

¶28. (U) The government runs hotlines around the country for people to call in and report all forms of human trafficking, but these are not used for reports of forced child labor. An anti-TIP NGO also runs such hotlines.

¶29. (U) The government does not release data on child trafficking as a subset of human trafficking, so no information is available regarding the number of investigations opened and whether this number was adequate.

¶30. (U) The government does not track how many children are rescued as a result of child trafficking investigations. Therefore, the number of arrests in child trafficking cases, the number of cases closed or resolved, the number of convictions, and the details regarding sentencing and the length of time of investigations are not known.

¶31. (U) The country did not experience armed conflict during the reporting period or in the recent past involving the use of child soldiers.

2D, Section II and III: Commercial Sexual Exploitation of Children (CSEC) and Use of Children in Illicit Activities

¶32. (U) Facts and figures on the laws relating to CSEC and the Children in Illicit Activities were not available. However, crimes against children are not tolerated by Uzbek society, and by extension, by Uzbek law enforcement agencies. The Ministry of Internal Affairs has a special juvenile victims department under its crime prevention section, and the criminal investigation department investigates all crimes against children. Prosecutors move quickly in such cases, and perpetrators generally face harsh penalties.

2E, Government Policies on Child Labor

¶33. (U) In September 2008, the government adopted a National TASHKENT 00000059 006 OF 008

Action Plan on Implementation of ILO Conventions 138 and 182 ("NAP"), which serves as its framework for addressing child labor. The NAP is extensive, involving 21 different agencies, to be led by the First Deputy Prime Minister. It has three main sections: strengthening the anti-child labor legislative framework; enhancing the monitoring mechanisms of child labor; and engaging in awareness raising campaign on the worst forms of child labor. The NAP also includes mechanisms for implementation of the ILO conventions, deadlines for performance, and the ministries responsible for each activity. Articles 11 and 12 in the Plan expressly prohibit forced labor by schoolchildren and call for mechanisms to ensure school attendance. Other articles of the Plan also refer to data gathering, accounting, inspection, permanent monitoring to ensure national compliance of the ILO conventions, and participation by Uzbek officials in international discussions on child labor.

¶34. (U) The government also addressed child labor in ways not related to the NAP. In the fall, the Ministry of Education (MOE) sent letters to school directors throughout the country, asking them to certify that they would not send students to participate in the cotton harvest. The MOE also sent letters to local hokims (mayors and governors) asking them not to close schools during the cotton harvest. The government entered into an agreement with the World Bank this year, under which the World Bank will provide low-interest financing for farmers on the condition that they certify that they will not use child labor on their land. Under this agreement, the World Bank should be able to inspect the land of those farmers who receive the financing to ensure that their commitments are being met.

¶35. (U) On October 9, MFA officials informed post that 150 local administrators were reprimanded for allowing the use of child labor in the 2008 harvest. Trade Minister Elyor Ganiev stated publicly that a few local hokims were replaced following last year's harvest because they allowed the use of child labor in their districts. These actions were not widely publicized.

¶36. (U) The government did not announce whether any funding was specifically set aside for implementation of the NAP.

¶137. (U) The government did not announce whether it provided non-monetary support to child labor plans.

¶138. (U) With the exception of the passage of some amendments to the law on child labor in December 2009, the goals of the NAP were not substantially advanced in 2009. The Plan itself has strong potential. It needs stronger leadership, however, either by way of an interagency planning committee or through the Deputy Prime Minister's Office to coordinate activities and see that the deadlines set in the Plan are met. A presidential statement encouraging implementation of the NAP would also go a long way toward implementation.

¶139. (U) The MOE's actions and the administrative measures taken against officials following the 2008 cotton harvest appear to have had some positive effect. One influential hokim in the Ferghana Valley made headlines by forbidding any of the schools in his region from closing in order to send children to the fields. Most reports this year suggested that fewer classes at the earlier grade levels were closed. Thus, the majority of students involved in forced child labor were in the upper (9-12) grades. This is the second year in a row where such a trend has been noticed.

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¶140. (U) The government did not establish internal commissions or task forces designed to address child labor.

¶141. (U) The government did not sign a bilateral, regional, or international agreement to combat trafficking in 2009. It did however, improve its international cooperation in the field of human trafficking. In coordination with the UNODC and OSCE, it sent officials on "study trips" to France, Italy, the UAE, and Moldova. Officials also reported good working relationships with counterparts in Russia, Azerbaijan, and Kazakhstan, as well as with law enforcement in the UAE, and a growing capacity for cooperation with India.

2F, Social Programs to Eliminate or Prevent Child Labor

¶142. (U) In January 2009, the government entered into an Annual Work Plan with UNICEF to address child labor. The Work Plan addressed several goals, including monitoring implementation of the NAP, raising awareness of national international legislation on child labor; conducting training programs for labor inspectors, local administrators, teachers, farmers, and other relevant parties; and developing community-based prevention programs. The government also allowed UNICEF to do limited monitoring of child labor during the fall cotton harvest. In February, an MOE official shared with post pamphlets the Ministry had produced on the worst forms of child labor, and cotton picking was clearly listed as a hazardous form of labor in which children under the age of 18 should not participate. At that time, the official stated that the plan was to distribute the pamphlet to all school children in Uzbekistan. There have been no reports on whether they actually were distributed.

¶143. (U) The government did not announce funding levels to the programs described above.

¶144. (U) The government provided some non-monetary support to

UNICEF to support its implementation of the Annual Work Plan. According to the Plan, UNICEF completed an awareness-raising campaign, holding meetings on child labor with parents and school administrators in all provinces of the country. UNICEF also supported the training of the 200 labor inspectors under this Plan.

¶45. (SBU) UNICEF reported that implementation of the Annual Work Plan has had its ups and downs. In many ways it has not been as successful as they had hoped it would be. The training of labor inspectors, in particular, was envisioned to be about inspection of the cotton fields in order to report child labor. In effect, however, there was only one session on child labor, and it did not touch on the cotton harvest. The awareness-raising campaign was a bright spot, however, and was deemed to be very effective.

2G, CONTINUAL PROGRESS

¶46. (SBU) The government made limited progress in regard to combating exploitative child labor during the reporting period. There was no known increase in inspections/investigations,

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prosecutions, or convictions of people involved in child labor; and funding levels for child labor elimination policies have never been released. The child labor problem in Uzbekistan has deep roots into the agricultural system, however, and local administrators face intense pressure to meet local cotton quotas. They often perceive that they have little choice but to employ child labor. Thus, reducing the use of forced child labor will likely require a strong and consistent message to administrators that closing the schools and sending the children to the fields will not be tolerated. That message seemed to be seeping in to the system this year, with the 150 reprimands and the replacing of some hokims, but to a rather limited effect. The legislative changes at the end of the year, however, hold some promise for the year to come. The legislation was almost certainly initiated by the executive branch, and President Karimov's signature on the amendments was widely publicized. These changes lay the groundwork for investigations and prosecutions in the 2010 harvest, and Karimov's endorsement of the amendments shows a heretofore absent commitment to addressing the problem. If investigations and prosecutions follow in the 2010 cotton harvest, it will be a major development in Uzbekistan's fight against forced child labor.

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